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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,510	03/04/2002	Philip J. Mott	BW-DKT00080A	6034

32175 7590 08/06/2003

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EXAMINER

VAN PELT, BRADLEY J

ART UNIT PAPER NUMBER

3682

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,510

Applicant(s)

MOTT ET AL.

Examiner

Bradley J Van Pelt

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: line 3, "with a sides" should be changed to --with sides--; line 11, "the guide link" should be changed to --the guide links--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntosh (USPN 4,402,676).

McIntosh discloses a compressing-type chain for transmission of power from a driving sprocket having teeth to a driven sprocket having teeth comprising: a) a plurality of sprocket-engaged blocks (18) having a body with sides and a thickness therebetween, an upper surface and teeth opposite the upper surface, adapted to engage with the teeth of the driving sprocket and the teeth of the driven sprocket; b) a plurality of guide links (22), each guide link having a body with a thickness, a top surface, a bottom surface, a leading end and a trailing end; each guide link being movably fastened in pairs on opposite sides of the sprocket-engaging blocks to two adjoining sprocket engaging blocks, the guide links being dimensioned so that when the guide links and sprocket-engaging blocks are assembled, the top surfaces of the guide links project further than the top surfaces of the sprocket-engaging blocks, forming rails defining a trough

Art Unit: 3682

therebetween; all of the guide links and sprocket-engaging blocks fastened together forming a continuous chain; and c) a retaining band (30) running around the chain in the trough, contacting the upper surface of the sprocket engaging blocks; so that when the chain is engaged with the driven sprocket and the driving sprocket, and rotational force is applied to the driven sprocket, the force is transferred by the teeth of the driving sprocket to the sprocket-engaging blocks engaged with the driving sprocket, then to the guide links fastened to the sprocket-engaging blocks, and the leading edge of each guide link between the driving sprocket and the driven sprocket transfers force to the trailing end of the next guide link, until the force is transferred to the sprocket-engaging blocks engaged with the driven sprocket, and thence as a rotational force to the driven sprocket;

the guide links are fastened together around the sprocket-engaging blocks by pins (column 2 line 7) running through holes in the guide links and the sprocket-engaging blocks;

the retaining band is made of a polymer (see column 2, line 28).

the guide link comprises a tapered area forming a lower part of the leading end and trailing end (see fig. 3), to provide clearance as the chain wraps around the sprockets.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh in view of Henderson (USPN 4,595,385).

Art Unit: 3682

McIntosh discloses all of the instantly claimed invention except a plurality of pins running between the pairs of guide links in the trough, retaining the band therein;

Henderson shows a plurality of pins (67) running between the pairs of guide links (ends are considered guide links) in a trough (area between), retaining a band (34) therein.

To modify the apparatus of McIntosh so as to provide pins between pairs of guides links would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Henderson that such an arrangement improves the retaining characteristics of the band within the chain (see column 6, lines 43-45 of Henderson).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh in view of Mott (USPN 5,993,345).

McIntosh discloses a steel band (see column 2, line 27); however fails to show the retaining band comprises a plurality of laminations of steel band.

Mott shows a retaining band (106) comprises a plurality of laminations of steel band.

To modify the apparatus of McIntosh so as to include laminations of a steel band would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Mott that such an arrangement improves loading properties of the chain.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIntosh in view of Bonnel (USPN 576,719).

McIntosh discloses all of the instantly claimed invention except the leading end and trailing end of the guide links are substantially flat.

Bonnel shows a leading end and a trailing end of guide links are substantially flat.

Art Unit: 3682

To modify the apparatus of McIntosh so as to provide flat edges of the leading and trailing ends of the guide links would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Bonnel that such an arrangement limits the amount of angular movement of chain guide links with respect to each other, preventing chain jumping.

Conclusion

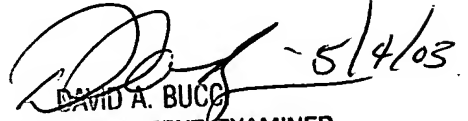
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reeves (USPN 1,691,871), Ledvina (SUPN 4,419,427), Yamamure et al. (GB 2 087 032).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.872.9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.2168.

BJVP
July 29, 2003


DAVID A. BUCCI
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